IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15899 of 2004

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Between:

1 K.Eswar Reddy, S/o.Bala Veera Reddy,
R/o.D.Agraharam Village, B.Mattam Mandal, Kadapa

District.
2 K.Venkata Reddy, S/o.K.Bala Veera Reddy,
R/o.D.Agraharam village, B.Mattam Mandal, Kadapa

District.
3 K.Ramana Reddy, S/o.Bala Veera Reddy,
R/o.D.Agraharam Village, B.Mattam Mandal, Kadapa

District.

..... PETITIONERS

AND

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1 The M.R.O., B. Mattam Mandal, Kadapa Dist.
2 The Mandal Surveyor, B. Mattam Mandal, Kadapa Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents particularly the 1st respondent in attempting to assign the very same land of 5 acres each of the petitioners in Sy.No.1/3, 1/4 and 1/2 of D.Agraharam village in B.Mattam Mandal of Kadapa District respectively even without canceling the assignments of the petitioners to third parties as illegal, unjust, arbitrary, without jurisdiction, extraneous, highhanded and against statutory provisions and consequently direct the respondents not to assign the very same land of 5 acres each of the petitioners in sy.NO.1/3, 1/4 and 1/2 of D.Agraharam village in B.Mattam Mandal of Kadapa District respectively in favour third parties, and cancel the assignments if any made in favour third parties in respect of the land of the petitioners.

Counsel for the Petitioner: MR.L.J.VEERA REDDY
Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

No cause of action for entertaining the writ petition filed alleging that the first respondent is attempting to assign the petitioners' land in an extent of Acs.5.00 each in Sy.No.1/3, 1/4 and 1/2 of D.Agraharam Village in B.Mattam Mandal of Kadapa District, to third parties even without cancelling the assignments.

The writ petition is filed on mere apprehension that the first respondent without issuing any notice and without passing any orders is orally saying that he would assign the very same land to the scheduled caste people, and merely because the petitioners issued legal notice cannot be an exception for entertaining the writ petition. However, it is made clear that once the petitioners were assigned the land, as and when the very same lands are required for assigning the same to third parties the respondents are under obligation to follow the due procedure for cancellation of the assignment, if any, in favour of the petitioners.

Accordingly the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

7th September, 2004.

Js.

To

1 The M.R.O., B. Mattam Mandal, Kadapa Dist.
2 The Mandal Surveyor, B. Mattam Mandal, Kadapa Dist.

3 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

4 2 CD copies.